



PATENT
Customer No. 22,852
Attorney Docket No. 07883.0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | |
| Robert Edward KOHLER et al. |) | Group Art Unit: 3731 |
| |) | |
| Application No.: 10/052,156 |) | Examiner: U. T. HO |
| |) | |
| Filed: January 16, 2002 |) | |
| |) | |
| For: ENCASED IMPLANT AND |) | Confirmation No.: 1036 |
| METHODS |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Examiner made characterizations and assertions about the claims and the related prior art in the statement of Reasons for Allowance. For example, page 6 of the Notice of Allowability mailed March 30, 2005 recites that:

The prior art fails to disclose or suggest a vascular implant comprising in combination with other limitation of the claims: a scaffold/conduit having an interior surface defining a lumen, the lumen including a longitudinal axis, said longitudinal axis including a bend between a first and a second end of the scaffold/conduit; the scaffold/conduit being completely covered by a tubing, wherein the tubing is folded over one of the ends of the scaffold/conduit and the tubing includes a portion in extension away from and/or remote from the scaffold/conduit.

Although Applicants agree with the Examiner's ultimate conclusions that the claims are patentable because the prior art does not teach or suggest the claimed features set forth in the claims, Applicants do not necessarily agree with each or every characterization and assertion contained in the Examiner's statement.

Furthermore, it is understood that the Examiner's characterizations were for purposes of referring to the prior art, and do not imply that the claims are limited by words not actually present in the claims. Therefore, unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization contained in the Notice of Allowance and its accompanying Reasons for Allowance.

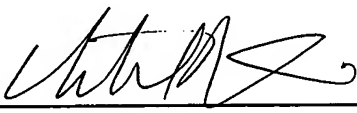
Should the Examiner disagree with the Applicants' comments on the Reasons for Allowance, the Examiner is invited to contact the undersigned in order to resolve such disagreement.

If there is any additional fee due in connection with these Comments, please charge to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 16, 2005

By: 
Michael W. Kim
Reg. No. 51,880